

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 724

H.P. 537

House of Representatives, February 21, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

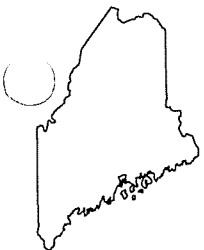
Presented by Representative GWADOSKY of Fairfield.

Cosponsored by Representative JACQUES of Waterville and Representative MARSH of West Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Require State Review of Chemical Spill Clean-up Plans.



Be it enacted by the People of the State of Maine as follows:

38 MRSa §1318-B, sub-§1, ¶¶A and B are enacted to read:

A. The reporting requirements of this subchapter, and any hazardous matter discharge reporting requirements or rules adopted by the board under this subchapter, do not apply to discharges of hazardous matter in quantities less than the applicable reportable quantity specified in 40 Code of Federal Regulations, Part 302 when the following conditions are met.

(1) The discharge occurs on the site where the substance is generated, used or stored and does not extend or spread beyond the area on that site for which a spill prevention, control and clean-up plan has been approved under paragraph B.

(2) The spill prevention, control and clean-up plan is applicable to the discharge and provides for effective means of removing the discharge.

(3) There is on the site, or available to the site, the capability to implement the plan and remove the discharge.

(4) The discharge is not in violation of any local, state or federal permit or license.

B. The commissioner shall, within 60 days after receiving a proposed spill prevention, control and clean-up plan or a revised plan, approve the plan or notify the submitter in writing of the reasons why the plan is not approvable and specify the information required to allow the plan to be approved. If the commissioner does not approve the plan or provide notice as required in this paragraph within 60 days of receipt of the plan, the plan is deemed to be approved by the commissioner.

STATEMENT OF FACT

Current Department of Environmental Protection rules require reporting of discharges of hazardous matter in any quantity unless the discharge is subject to a Spill Prevention, Control and Clean-up, SPCC, plan that has been approved by the department, in which case the discharge must be reported only if it exceeds applicable reportable quantities. Facilities have submitted SPCC plans to the department, but the plans have never been reviewed or approved by the department. Although many facilities do have spill plans, some facilities do not have hazardous matter spill plans and this bill encourages adoption

2 of such plans. This bill enacts into law the department's
existing regulatory hazardous matter reporting requirements and
4 adds the requirement that the department must review SPCC plans
and, if not approvable, notify the submitter of the plan why the
plan is deficient.